



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 07 2014

CERTIFIED MAIL 7012 1010 0002 0759 7134  
RETURN RECEIPT REQUESTED

Ms. Jessica Kleinfelter  
Program Administrator  
Water Compliance Assurance Program  
Florida Department of Environmental Protection  
Division of Water Resource Management  
2600 Blairstone Road, MS-3550  
Tallahassee, Florida 32399-2400

Re: Notice of Violation No.: 309-2014-11  
National Pollutant Discharge Elimination System Permit No.: FL0026611  
City of Flagler Beach

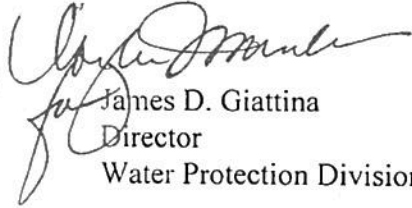
Dear Ms. Kleinfelter:

Pursuant to Section 309(a)(1) of the Clean Water Act, 33 U.S.C. § 1319(a)(1), the U. S. Environmental Protection Agency, Region 4 has determined that the City of Flagler Beach (City) is in violation of its National Pollutant Discharge Elimination System (Permit) Permit No.: FL0026611 for the City of Flagler Beach Waste Water Treatment Facility. The City has violated, at a minimum, effluent requirements for the parameters summarized here: Biochemical Oxygen Demand, 5 Day (BOD<sub>5</sub>), Peracetic Acid, Total Nitrogen and IC25 Static Renewal 7 Day Chronic Toxicity reporting. The EPA is simultaneously notifying the City of these findings through the issuance of a Notice of Violation (NOV). A copy of the NOV to the City is enclosed for your convenience and record.

If the State of Florida (State) commences appropriate action within 30 days of receipt of this letter to ensure that the City achieves expeditious compliance with its Permit, additional involvement by the EPA may not be required. However, if the State does not take such action, the EPA may then take the necessary steps to require the City to come into compliance. Please advise the EPA within 15 days of receipt of this letter of the action(s) you plan to take in this matter to ensure that the City achieves expeditious compliance with its Permit requirements. If a formal enforcement action is taken, please provide a copy of the applicable documents for our records.

If you have questions regarding this NOV, please contact Mr. Maurice Horsey, of my staff, at (404) 562-9764 or via e-mail at [Horsey.Maurice@epa.gov](mailto:Horsey.Maurice@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Giattina", is written over the typed name and title.

James D. Giattina

Director

Water Protection Division

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 07 2014

CERTIFIED MAIL 7012 1010 0002 0759 7141  
RETURN RECEIPT REQUESTED

Mr. Robert M. Smith  
Public Works Director/City Engineer  
City of Flagler Beach  
105 Second Street  
Flagler Beach, Florida 32136

Re: Notice of Violation No.: 309-2014-11  
Information Request pursuant to 308 of the Clean Water Act  
National Pollutant Discharge Elimination System Permit No.: FL0026611  
Flagler Beach Waste Water Treatment Facility

Dear Mr. Smith:

Pursuant to Section 309(a)(1) of the Clean Water Act (CWA), 33 U.S.C. §1319(a)(1), the U.S. Environmental Protection Agency Region 4 hereby notifies the City of Flagler Beach (City) that it has violated its National Pollutant Discharge Elimination System Permit No.: FL0026611 (Permit) for the Flagler Beach Waste Water Treatment Facility (WWTF). Specifically, the City's WWTF has violated effluent requirements for the parameters and months listed below:

<u>Parameter Description</u>	<u>Outfall</u>	<u>Violation</u>	<u>Limit Value</u>	<u>DMR Value</u>	<u>Units</u>	<u>Reporting Period</u>
pH	001	Minimum	6.50	6.30	SU	3/31/2011
Iron, total recoverable	001	Maximum	0.30	0.33	mg/L	4/30/2011
pH	001	Minimum	6.50	6.40	SU	5/31/2011
Chlorine, total residual	001	Minimum	0.50	0.40	mg/L	5/31/2011
pH	001	Minimum	6.50	6.00	SU	7/31/2011
Chlorine, total residual	001	Minimum	0.50	0.45	mg/L	7/31/2011
Chlorine, total residual	001	Minimum	0.50	0.25	mg/L	8/31/2011
Chlorine, total residual	001	Minimum	0.50	0.00	mg/L	9/30/2011
Chlorine, total residual	001	Minimum	5.00	0.00	mg/L	10/31/2011
Cyanide, total [as CN]	001	Maximum	25.00	31.00	µg/L	11/30/2011
Chlorine, total residual	001	Minimum	0.50	0.00	mg/L	1/31/2012
Solids, total suspended	001	Monthly Average	30.00	122.00	mg/L	3/31/2012



<u>Parameter Description</u>	<u>Outfall</u>	<u>Violation</u>	<u>Limit Value</u>	<u>DMR Value</u>	<u>Units</u>	<u>Reporting Period</u>
Cyanide, total [as CN]	001	Maximum	25.00	28.00	µg/L	5/31/2012
Chlorine, total residual	001	Minimum	0.50	0.00	mg/L	5/31/2012
Chlorine, total residual	001	Minimum	5.00	0.00	mg/L	8/31/2012
Chlorine, total residual	001	Minimum	5.00	0.00	mg/L	9/30/2012
pH	001	Maximum	8.50	8.60	SU	2/28/2013
Nitrogen, total	001	Annual Max	25915.00	28516.16	lb/yr	3/31/2013
BOD, 5-day, percent removal	001	Monthly Average Min	85.00	83.62	%	3/31/2013
Solids, suspended percent removal	001	Monthly Average Min	85.00	81.30	%	3/31/2013
Oxygen, dissolved [DO]	001	Minimum	5.00	4.01	mg/L	4/30/2013
Solids, total suspended	001	Monthly Average	30.00	42.25	mg/L	4/30/2013
Nitrogen, total	001	Annual Max	25915.00	32489.00	lb/yr	4/30/2013
Chlorine, total residual	001	Minimum	0.50	0.00	mg/L	4/30/2013
Coliform, fecal general	001	Maximum	800.00	20000.00	#/100mL	4/30/2013
BOD, carbonaceous, 05 day, 20 C	001	Monthly Average	25.00	42.75	mg/L	4/30/2013
BOD, carbonaceous, 05 day, 20 C	001	Weekly Average	40.00	42.75	mg/L	4/30/2013
BOD, carbonaceous, 05 day, 20 C	001	Maximum	60.00	72.00	mg/L	4/30/2013
BOD, 5-day, percent removal	001	Monthly Average Min	85.00	70.26	%	4/30/2013
Solids, suspended percent removal	001	Monthly Average Min	85.00	66.20	%	4/30/2013
Solids, total suspended	001	Weekly Average	45.00	60.00	mg/L	5/31/2013
Nitrogen, total	001	Annual Total	25915.00	31915.51	lb/yr	5/31/2013
Chlorine, total residual	001	Minimum	0.50	0.27	mg/L	5/31/2013
Peracetic Acid	001	Maximum	1.00	1.53	mg/L	5/31/2013
Solids, suspended percent removal	001	Monthly Average Min	85.00	84.18	%	5/31/2013
Nitrogen, total	001	Annual Total	25915.00	28868.47	lb/yr	6/30/2013
Iron, total recoverable	001	Maximum	0.30	1.60	mg/L	6/30/2013
Peracetic Acid	001	Maximum	1.00	1.52	mg/L	6/30/2013
Nitrogen, total	001	Annual Total	25915.00	26265.48	lb/yr	7/31/2013
Cyanide, total [as CN]	001	Maximum	1.00	4.80	µg/L	7/31/2013
Peracetic Acid	001	Maximum	1.00	1.23	mg/L	7/31/2013
Peracetic Acid	001	Maximum	1.00	1.23	mg/L	8/31/2013
Nitrogen, total	001	Annual Total	25915.00	27007.08	lb/yr	9/30/2013
Nitrogen, total	001	Annual Total	25915.00	29888.96	lb/yr	10/31/2013
Peracetic Acid	001	Maximum	1.00	1.13	mg/L	10/31/2013
Nitrogen, total	001	Annual Total	25915.00	30043.82	lb/yr	11/30/2013
Peracetic Acid	001	Maximum	1.00	1.49	mg/L	11/30/2013

<u>Parameter Description</u>	<u>Outfall</u>	<u>Violation</u>	<u>Limit Value</u>	<u>DMR Value</u>	<u>Units</u>	<u>Reporting Period</u>
Nitrogen, total	001	Annual Total	25915.00	28417.45	lb/yr	12/31/2013
Peracetic Acid	001	Maximum	1.00	1.44	mg/L	12/31/2013
Alpha, gross particle activity	001Q	Maximum	5.00	6.80	pCi/L	3/31/2011
Alpha, gross particle activity	001Q	Maximum	5.00	6.90	pCi/L	6/30/2011
Alpha, gross particle activity	001Q	Maximum	5.00	6.00	pCi/L	9/30/2011
Alpha, gross particle activity	001Q	Maximum	5.00	9.70	pCi/L	12/31/2011
Alpha, gross particle activity	001Q	Maximum	5.00	5.80	pCi/L	3/31/2012
Alpha, gross particle activity	001Q	Maximum	5.00	6.10	pCi/L	6/30/2013
IC25 Static Renewal 7 Day Chronic Mysidopsis Bahia	001S	Minimum	100.00	72.00	%	6/30/2012
IC25 Static Renewal 7 Day Chronic Menidia	001S	Minimum	100.00	70.00	%	6/30/2012

The EPA requests, pursuant to Section 308 of the CWA, 33 U.S.C. §1318, that the City provide a written explanation of the reasons for each of the violations identified above, any other effluent violations that may have occurred from January 1, 2014, to the present and provide a summary of actions taken or planned by the City to correct the problems and prevent future violations. In instances where the actions are planned, please include a schedule for completing the actions.

The City must submit this information within 30 days of receipt of this correspondence. The submittal must be addressed to:

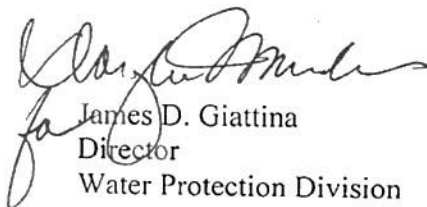
Ms. Alenda Johnson  
U.S. Environmental Protection Agency, Region 4  
Clean Water Enforcement Branch  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

The State of Florida (State) is being concurrently notified of these findings. The EPA is coordinating with the State to ensure that timely and appropriate enforcement action is taken and compliance with the conditions of the Permit is achieved.

If these violations are not resolved in a timely or appropriate manner, and/or the City fails to respond to the Information Request, the EPA may take enforcement action, which may include issuance of an administrative order, assessment of administrative penalties or initiation of a civil judicial action pursuant to Section 309 of the CWA, 33 U.S.C. §1319.

If you have questions regarding this notice and information request, please contact Ms. Alenda Johnson, of my staff, at (404) 562-9761 or by e-mail at [Johnson.Alenda@epa.gov](mailto:Johnson.Alenda@epa.gov).

Sincerely,



James D. Giattina  
Director  
Water Protection Division

cc: Ms. Jessica Kleinfelter  
Florida Department of Environmental Protection